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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

FERNANDO ELYU VEGA,

Petitioner,

v.

J. DOERER,

Respondent.

No. CV 23-09432-CAS (DFM)

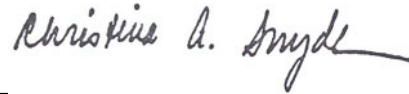
Order Accepting Report and  
Recommendation of  
United States Magistrate Judge

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the assigned United States Magistrate Judge. No objections were filed. The Court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Judgment be entered granting Respondent's Motion to Dismiss and dismissing the Petition without prejudice for failure to exhaust administrative remedies.

As a federal prisoner proceeding under 28 U.S.C. § 2241, Petitioner is not required to obtain a certificate of appealability (“COA”) in order to appeal to the United States Court of Appeals in this case. See Harrison v. Ollison, 519 F.3d 952, 958 (9th Cir. 2008) (holding that plain language of 28 U.S.C. § 2253(c)(1) does not require federal prisoners bringing § 2241 petitions to obtain COA to appeal, unless § 2241 petition “is merely a ‘disguised’ § 2255 petition”).

Date: March 29, 2024

A handwritten signature in dark ink, reading "Christina A. Snyder". The signature is fluid and cursive, with a long horizontal stroke at the end.

— CHRISTINA A. SNYDER —  
United States District Judge